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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O 1 Practitioner's Docket No. 2731/103
MAR 09 2005
PATENT & TRADEMARK OFFICE
APR 11 2005
In re application of: Michael D. Mason
Application No.: 10/767,637
Filed: 01/29/2004
For: Graftless Spinal Fusion Device

Group No.: 3732
Examiner: D.A. Bonderer

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[X] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)
[X] with sufficient postage as first class mail.

37 C.F.R. § 1.10*
 as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____


Signature _____

Date: March 7, 2005

John L. Conway
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

STATUS

2. Applicant is a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

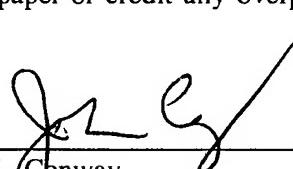
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3)	SMALL ENTITY	
Claims Remaining After Amendment	Highest No Previously Paid For	Present Extra	Rate	Addit Fee
Total 5	Minus 20	= 0	x \$25 =	\$0
Indep 1	Minus 3	= 0	x \$100 =	\$0
First Presentation of Multiple Dependent Claim			+ \$180 =	\$0
			Total Addit. Fee	\$0

No additional fee for claims is required.

Charge any additional fees required by this paper or credit any overpayment to deposit account number 19-4972.

Date: March 7, 2005


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mason

Atty Dkt: 2731/103

Serial No: 10/767,637

Art Unit: 3732

Date Filed: January 29, 2004

Examiner: D. A. Bonderer

Invention: Graftless Spinal Fusion Device

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 7, 2005.


John L. Conway

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE B

Dear Sir:

In response to the Office Action mailed on January 13, 2005 and made final, Applicant responds as follows.